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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/573,510	01/08/2007	Rik W. De Doncker	30882/41934	3551
4743 7590 12/24/2008 MARSHALL, GERSTEIN & BORUN LLP 233 S. WACKER DRIVE, SUITE 6300 SEARS TOWER CHICAGO, IL 60606			EXAMINER TORRES RUZ, JOHALI ALEJANDRA	
			ART UNIT 2838	PAPER NUMBER
			MAIL DATE 12/24/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/573,510

Applicant(s)

DE DONCKER ET AL.

Examiner

JOHALI A. TORRES RUIZ

Art Unit

2838

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 September 2008.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-28 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 08 January 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/5508)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. This office action has been issued in response to the amendment filed on September 17, 2008.
2. Claims 1-28 are pending. Applicant's arguments have been carefully and respectfully considered. Rejections have been maintained where arguments were not persuasive.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
4. Claims 1-4, 6-11, 14-18, 20-26 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Champlin et al. (U.S. Patent Number 6,172,483) and further in view of Ding et al. (U.S. Patent Number 6,094,033).
5. Claims 1 and 14: Champlin teaches evaluating a transition frequency of impedance for a battery, which is excited by an alternating current (Col.3, Lines 12-14), wherein the transition frequency is a frequency of the alternating current at which the imaginary part of the impedance of the battery vanishes (Col.3, Lines 66-67), it teaches this gives the battery resistance. Champlin teaches the components of the complex impedance are used to gain insight into SOC (Col.1, Lines 10-19).

Champlin does not explicitly teach assigning the transition frequency (internal resistance) to the state of charge of the battery.

Ding teaches assigning the transition frequency of the battery to the state of charge of a battery (Col.6, Lines 23-28).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have had the teachings of Ding in the device of Champlin to have had obtained SOC based on the batteries internal resistance (Col.6, Lines 23-28).

6. Claims 2 and 15: Champlin and Ding teach the limitations of claims 1 and 14 as discussed above. Champlin teaches exciting the battery (10) by noise signals which are generated by an alternating current source (5) contained in the power net (Col.3, Lines 12-14).

7. Claims 3 and 16: Champlin and Ding teach the limitations of claims 1 and 14 as discussed above. Champlin teaches measuring the alternating voltage drop at the battery (Col.10, Lines 43-47).

8. Claims 4 and 17: Champlin and Ding teach the limitations of claims 1 and 14 as discussed above. Champlin teaches measuring the intensity of the alternating current flowing through the battery (Col.10, Lines 30-32).

9. Claim 6: Champlin and Ding teach the limitations of claim 1 as discussed above. Champlin teaches determining the transition frequency of the alternating current (Col.3, Lines 66-67).

10. Claim 7: Champlin and Ding teach the limitations of claim 1 as discussed above. Champlin teaches determining the complex impedance of the battery (Col.4, Lines 23-24).

11. Claim 8: Champlin and Ding teach the limitations of claim 1 as discussed above. Champlin teaches determining the frequency of the alternating current, at which an imaginary part of the impedance vanishes (Col.3, Lines 66-67).

12. Claim 9: Champlin and Ding teach the limitations of claim 1 as discussed above. Champlin teaches varying a frequency of the alternating current, exciting the battery (Col.3, Lines 2-5 and 12-14).

13. Claims 10 and 25: Champlin and Ding teach the limitations of claims 1 and 14 as discussed above. Ding teaches the assignment of the transition frequency to the state-of-charge is a function of the operating temperature of the battery (Col.6, Lines 32-38).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have had the teachings of Ding in the device of Champlin because it is known in the art to use temperature information in the SOC determination (Col.6, Lines 32-38).

14. Claims 11 and 26: Champlin and Ding teach the limitations of claims 1 and 14 as discussed above. Ding teaches the assignment of the transition frequency to the state-of-charge is a function of an intensity of a direct current flowing through the battery (Col.6, Lines 51-58).

15. Claim 18: Champlin and Ding teach the limitations of claim 14 as discussed above. Champlin teaches the element for determining of the transition frequency

comprises at least a variable frequency filter for filtering the measured current and voltage signals (Col.7, lines 62-67) (Col.8, Lines 11-13).

16. Claim 21: Champlin and Ding teach the limitations of claim 14 as discussed above. Champlin teaches the element for determining the transition frequency comprises a unit for the Fourier Transformation of the measured current and voltage signals (Col.11, Lines 11-17).

17. Claim 22: Champlin and Ding teach the limitations of claim 14 as discussed above. Champlin teaches the element for determining of the transition frequency comprises an analysis unit for analyzing the transformed signals and determining a frequency for which an imaginary part of an impedance of the battery vanishes (Col.6, Lines 64-67).

18. Claim 23: Champlin and Ding teach the limitations of claim 14 as discussed above. Ding teaches a sensor for measuring an operating temperature of the battery (Col.6, Lines 32-38).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have had the teachings of Ding in the device of Champlin to use it in SOC determination (Col.6, Lines 32-38).

19. Claim 24: Champlin and Ding teach the limitations of claim 14 as discussed above. Ding teaches a sensor for measuring the intensity of a direct current flowing through the battery (Col.6, Lines 51-58).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have had the teachings of Ding in the device of Champlin to use it in SOC determination (Col.6, Lines 51-58).

20. Claim 28: Champlin and Ding teach the limitations of claim 14 as discussed above. Ding teaches a display device for displaying the state-of-charge of the battery (Col.6, Lines 47-50).

21. Claims 5 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Champlin et al. (U.S. Patent Number 6,172,483) and Ding et al. (U.S. Patent Number 6,094,033) as applied to claims 1 and 14 above, and further in view of Dowgiallo, Jr. et al. (U.S. Patent Number 3,984,762).

22. Claim 5: Champlin and Ding teach the limitations of claim 1 as discussed above. They do not explicitly teach determining a phase difference between a phase of an alternating voltage and a phase of the alternating current.

Dowgiallo, Jr. teaches determining a phase difference between a phase of an alternating voltage and a phase of an alternating current (Col.2, Lines 61-66).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have had the teachings of Dowgiallo in the device of Champlin to obtain the state of charge of batteries (Col.2, Lines 13-15).

23. Claim 19: Champlin and Ding teach the limitations of claim 14 as discussed above. They do not explicitly teach the element for determining of the transition frequency comprises a phase comparator, which determines the phase difference between the filtered current and voltage signals.

Dowgiallo, Jr. teaches determining a phase difference between a phase of an alternating voltage and a phase of an alternating current (Col.2, Lines 61-66).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have had the teachings of Dowgiallo in the device of Champlin to obtain the state of charge of batteries (Col.2, Lines 13-15).

24. Claims 12-13 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Champlin et al. (U.S. Patent Number 6,172,483) and Ding et al. (U.S. Patent Number 6,094,033) as applied to claims 1 and 14 above, and further in view of Koch et al. (U.S. Publication Number 2003/0112010).

25. Claims 12 and 27: Champlin and Ding teach the limitations of claims 1 and 14 as discussed above. They do not explicitly teach the assignment of the transition frequency to the state-of-charge is a function of the aging status of the battery.

Koch teaches a function taking into consideration SOC and aging of the battery (Par.39).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have had the teachings of Koch in the device of Champlin to have obtained the SOC based on the aging of the batteries. One of ordinary skill in the art can solve the function for any of its components.

26. Claim 13: Champlin and Ding teach the limitations of claim 1 as discussed above. They do not explicitly teach determining an aging status of the battery.

Koch teaches determining the aging status of a battery (Par.47).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have had the teachings of Koch in the device of Champlin to have used it to determine if the battery would be able to start an engine (Par.49).

27. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Champlin et al. (U.S. Patent Number 6,172,483) and Ding et al. (U.S. Patent Number 6,094,033) as applied to claim 14 above, and further in view of Freeman et al. (U.S. Patent Number 6,519,539).

28. Champlin and Ding teach the limitations of claim 14 as discussed above. They do not explicitly teach the element for determining the transition frequency comprises a control unit, which scrutinizes the phase difference and modifies a transmitted frequency of the frequency filter and/or a frequency of the alternating current source, till the phase difference is null.

Freeman teaches varying the frequency of an alternating current and measuring determining at which frequency the imaginary part is null (Col.4, Lines 47-61).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have had the teachings of Freeman in the device of Champlin to determining the real component of a complex impedance (Col.4, Lines 39-42).

Response to Arguments

29. Champlin teaches evaluating a transition frequency of an impedance of a battery, wherein the transition frequency is a frequency of the alternating current at which the imaginary part of the impedance of the battery vanishes (Col.3, Lines 66-67); it teaches this gives the battery resistance. Ding teaches after determining a battery's internal

resistance in a conventional manner said resistance is associated with the SOC of the battery to estimate SOC of the battery based on the internal resistance (Col.6, Lines 23-28).

Given that Champlin teaches a transition frequency of the impedance of a battery (the real part of the complex impedance) gives the internal resistance of said battery having the teachings of Ding in the device of Champlin would result in assigning the transition frequency (internal resistance) (Champlin (Col.3, Lines 66-67)) to the SOC of the battery for the expected result of obtaining SOC based on the battery's internal resistance (Ding et al. (Col.6, Lines 23-28)).

Conclusion

30. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHALI A. TORRES RUIZ whose telephone number is (571)270-1262. The examiner can normally be reached on M- F 9:30am-6pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Akm Ullah can be reached on (571) 272-2361. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Akm Enayet Ullah/
Supervisory Patent Examiner, Art
Unit 2838

/J. A. T./
Examiner, Art Unit 2838
JAT